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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/283,542	04/01/1999	JAMES R. H. CHALLENGER	YO999-039-(8	1176

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EXAMINER

BASHORE, WILLIAM L

ART UNIT	PAPER NUMBER
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2176

DATE MAILED: 04/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/283,542

Applicant(s)

CHALLENGER ET AL.

Examiner

William L. Bashore

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communications: amendment filed 2/2/2004, to the original application filed 4/1/1999.
2. Claims 1-3, 5, 8-10, 12, 15, 17-18, 20-22 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Gramlich and Halliday.
3. Claims 4, 11 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Gramlich, Halliday, and Arora.
4. Claims 6, 13, 19 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Gramlich, Halliday, and Weinberg.
5. Claims 7, 14 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Gramlich, Halliday, and Dozier.
6. Claim 16 remains rejected under 35 U.S.C. 103(a) as being unpatentable over Gramlich, Halliday, and Shoham.
7. Claims 1-22 are pending. Claims 1, 8, 15, 21, 22 are independent claims.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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9. Claims 1-3, 5, 8-10, 12, 15, 17-18, 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gramlich (hereinafter Gramlich), U.S. Patent No. 5,826,025 issued October 1998, in view of Halliday et al. (hereinafter Halliday), U.S. Patent No. 5,880,740 issued March 1999.

In regard to independent claim 1, Gramlich teaches construction of a web document comprising merging of parts of a document with annotation overlay(s) ("fragments" of the final document) provided by a user or annotation server (Gramlich Abstract, column 2 lines 39-43; compare with claim 1 "*A computer-executable method for constructing a plurality of objects, comprising the steps of:*", and "*providing at least one fragment*"). Gramlich does not specifically teach "*a plurality of objects*", as claimed, however, Gramlich teaches multiple annotations as applied to document merging (Gramlich Figure 1), as well as serially connecting annotation files (Gramlich column 6 lines 49-57), suggesting to the skilled artisan a plurality of objects, therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to interpret Gramlich as containing a plurality of objects, providing the benefit of annotations (fragments) indicative of various diverging commentary from different authors.

Gramlich does not specifically teach said fragments defined as an object which is a component of an object constructed using said fragment. However, Halliday teaches creation of a composite image using various images defined by zones, said image placement defined via rules (Halliday Abstract, column 5 lines 3-7, 13-27). The various images (components of a final composite image) are used in combination with associated definition data to construct the final composite image, said composite image can be applied to a Web page (Halliday column 6 lines 41-53, column 8 lines 31-34, 62-67, column 9 lines 1-8). Compare with claim 1 "*... wherein a fragment is an object that is a component of an object which is constructed using the fragment*". It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Halliday to Gramlich, providing Gramlich the benefit of simplifying the production of images and annotations to its documents (see Halliday column 7 lines 39-43).

Gramlich teaches determining an order for inclusion of annotations within a document based upon the merged inclusion of Source 1 annotations only after inclusion of Source 2 annotations occur, said result (including necessary annotations) eventually published (Gramlich column 5 lines 52-67, especially column 6 lines 1-5, and lines 49-58, column 8 lines 40-53). Gramlich also teaches pattern fields for parsing and processing patterns of words that the system must operate on in an ordered manner (Gramlich column 9 lines 19-34). Gramlich also teaches merging annotations in an order determined by the precedence of the associated operation (Gramlich column 11 lines 61-67). Compare with claim 1 “*determining an order for constructing one or more publishable objects based on at least one inclusion relationship between an object and the at least one fragment*”).

Gramlich teaches an Annotation Overlay Proxy (AOP) for constructing the merged web documents as described above (Gramlich column 5 lines 18-40; compare with claim 1 “*constructing the one or more publishable objects based on the at least one inclusion relationship and the determined order for constructing the objects.*”).

In regard to dependent claim 2, Gramlich teaches determining an order for inclusion of annotations within a document based upon the merged inclusion of Source 1 annotations only after inclusion of Source 2 annotations occur (Gramlich column 5 lines 52-67, especially column 6 lines 1-5, and lines 49-58). Gramlich also teaches pattern fields for parsing and processing patterns of words that the system must operate on in an ordered manner (Gramlich column 9 lines 19-34). Gramlich also teaches merging annotations in an order determined by the precedence of the associated operation (Gramlich column 11 lines 61-67). Compare with claim 2.

In regard to dependent claim 3, Gramlich teaches determining whether an annotation directory contains overlays for the overlay groups specified a user, and to issue a message specifying the overlay groups not currently represented in said annotation directory (Gramlich column 11 lines 15-39; compare with claim 3).

In regard to dependent claim 5, Gramlich does not specifically disclose examining objects, rejecting based on content, and approving publication of remaining objects, as claimed. However, Gramlich teaches an embodiment comprising a magazine model, where paid authors submit annotations to a centralized editor, who then edits and publishes the author's overlays in groups manages by the editor (Gramlich column 8 lines 47-54), providing the claimed equivalent of examining/rejecting/approving objects. It would have been obvious to one of ordinary skill in the art at the time of the invention, to interpret Gramlich in this fashion, providing Gramlich with the suggested advantage of submitting annotations to a magazine editor with well known duties of editing, rejecting and accepting stories for publication.

In regard to independent claim 8, claim 8 reflects the apparatus comprising computer readable instructions used for performing the methods as claimed in claim 1, and is rejected along the same rationale.

In regard to dependent claims 9-10, 12, claims 9-10, 12 reflect the apparatus comprising computer readable instructions used for performing the methods as claimed in claims 2-3, 5 respectively, and are rejected along the same rationale.

In regard to independent claim 15, claim 15 reflects the system comprising computer readable instructions used for performing the methods as claimed in claim 1, and in further view of the following, is rejected along the same rationale.

Gramlich teaches an Annotation Overlay Proxy (AOP) which analyzes and parses documents that includes patterns (Gramlich column 5 lines 45-55, column 10 lines 60-63, column 11 lines 62-67; compare with claim 15 "*parser*", "*analyzer*", and "*constructor*").

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In regard to dependent claim 17, Gramlich teaches submission of annotations from users (Gramlich column 8 lines 40-54; compare with claim 17).

In regard to dependent claim 18, Gramlich does not specifically teach a consistency checker for preventing publication of inconsistent objects, as claimed. However, Gramlich teaches an embodiment comprising a magazine model, where paid authors submit annotations to a centralized editor who then edits and publishes the author's overlays in groups managed by the editor (Gramlich column 8 lines 47-54), providing the claimed equivalent of a consistency checker. It would have been obvious to one of ordinary skill in the art at the time of the invention to interpret Gramlich in this fashion, with the suggested advantage of submitting annotations to a magazine editor with duties of rejecting stories for publication due to various inconsistencies.

In regard to dependent claim 20, Gramlich teaches a system which merges annotation overlays on top of documents, resulting in a final HTML document (Gramlich column 6 lines 16-24; compare with claim 20).

In regard to independent claim 21, claim 21 incorporates substantially similar subject matter as claimed in claim 1, and is rejected along the same rationale.

In regard to independent claim 22, claim 22 reflects the apparatus comprising computer readable instructions used for performing the methods as claimed in claim 21, and is rejected along the same rationale.

10. **Claims 4, 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gramlich and Halliday as presented in claims 1 and 8 above, and further in view of Arora et al. (hereinafter Arora) U.S. Patent No. 5,911,145 issued June 1999.**

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In regard to dependent claim 4, Gramlich teaches an embodiment comprising a magazine model, where paid authors submit annotations to a centralized editor who then edits and publishes the author's overlays in groups managed by the editor (Gramlich column 8 lines 47-54) (a typical duty of a magazine editor is rejecting stories due to various inconsistencies). Gramlich does not specifically teach delaying publication in response to a first object being non-existent. However, Arora teaches a "Don't Publish" button, giving the user the option of not publishing a Web page (Arora column 6 lines 17-24, column 9 lines 17-25; compare with claim 4). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Arora to Gramlich, providing the magazine editor of Gramlich the capability of not publishing Web documents due to various circumstances (i.e. past a deadline, etc.).

In regard to dependent claim 11, claim 11 reflects the apparatus comprising computer readable instructions used for performing the methods as claimed in claim 4, and is rejected along the same rationale.

11. **Claims 6, 13, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gramlich and Halliday as presented in claims 1, 8 and 15 above, and further in view of Weinberg et al. (hereinafter Weinberg), U.S. Patent No. 6,144,962 issued November 2000.**

In regard to dependent claim 6, Gramlich does not specifically teach automatically detect broken hypertext links. However, Weinberg teaches a Web site visualization system whereby broken links are detected and automatically fixed (Weinberg Abstract near middle, column 18 line 24; compare with claim 6). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Weinberg to Gramlich's magazine embodiment, providing authors of Gramlich the capability of updating an author's information by detecting broken links within the annotation overlays to be merged with Web documents, keeping information current.

In regard to dependent claim 13, claim 13 reflects the apparatus comprising computer readable instructions used for performing the methods as claimed in claim 6, and is rejected along the same rationale.

In regard to dependent claim 19, claim 19 reflects the system comprising computer readable instructions used for performing the methods as claimed in claim 6, and is rejected along the same rationale.

12. **Claims 7, 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gramlich and Halliday as presented in claims 1 and 8 above, and further in view of Dozier et al. (hereinafter Dozier), U.S. Patent No. 5,870,552 issued February 1999.**

In regard to dependent claim 7, Gramlich does not specifically teach automatically detecting/updating objects. However, Dozier teaches publishing Web documents over a network, whereby content can be replaced regarding updating of a company logo, or a URL shared by many documents (Dozier column 8 lines 30-39, Figure 10b-10d; compare with claim 7). Since Dozier teaches a form for entering user comments with a logo (that can be automatically updated) (Dozier Figure 10c), it would have been obvious to one of ordinary skill in the art at the time of the invention to apply Dozier to Gramlich's magazine embodiment, providing authors of Gramlich the capability of updating an author's logo and/or URL within the annotation overlays to be merged with Web documents to keep information current.

In regard to dependent claim 14, claim 14 reflects the apparatus comprising computer readable instructions used for performing the methods as claimed in claim 7, and is rejected along the same rationale.

13. **Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gramlich and Halliday as presented in claim 15 above, and further in view of Shoham, U.S. Patent No. 5,855,015 issued December 1998.**

In regard to dependent claim 16, Gramlich does not specifically teach dependency graphs. However, Shoham teaches directed graphs for retrieving hyperlinked resources associated with resources added by authors (Shoham column 3 lines 1-10, column 6 lines 40-60, Figure 2; compare with claim 16). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Shohom to Gramlich, providing Gramlich the capability of directed dependency graphs to more efficiently retrieve hyperlinked resources.

Response to Arguments

14. Applicant's arguments filed February 2, 2004 have been carefully and fully considered, but are not persuasive.

Applicant argues on pages 8-11 of the amendment that Gramlich does not specifically teach "*fragments*". Applicant also argues improper combination of references. The examiner wishes to make clear that (as shown in the instant rejections) Gramlich teaches fragments and objects, as discussed below.

- Applicant declares that an "object" can preferably include a Web page (Specification page 3 lines 14-15). Gramlich teaches Web pages eventually published via the Internet for user perusal. In addition, the skilled artisan is cognizant that a Web page (hypermedia) can include various entities defined and treated as objects (i.e. images, clickable buttons, Gramlich's annotation text blocks, etc.), therefore Gramlich teaches an "object", and at the very least, suggests a "plurality" of objects.

- The examiner uses Gramlich to teach "*fragments*". A fragment is generally defined as a part or "piece" of something larger, therefore the objects within a typical Web page (as explained above) can additionally be interpreted as fragments of said Web page. It is noted that Applicant's Specification page 6 lines 14-15, states "A fragment is an object which is used to construct a compound object". Since Gramlich's annotation overlays are intended to be included within Web pages, said annotations can also be interpreted as "*fragments*" (of the final published page, said page incorporating objects of various types) defined in the general sense. When a user

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requests a particular page, Gramlich reads/processes any references to any annotation blocks. Gramlich then fetches said annotations, and “pieces together” a new Web page by inserting said annotations into said page, subsequently publishing a final page. It is worth noting that Gramlich’s annotation overlay blocks by themselves are not published. They are used exclusively for insertion into Web pages.

- What Gramlich lacks is a teaching of a fragment/object “*which is a component of an object constructed using said fragment*” (i.e. an object within (or part of) a larger object). Although Gramlich teaches objects (annotations) within a larger object (a Web page), nevertheless, Halliday teaches creation of a composite image using various images (i.e. image objects) defined by zones, said image placement defined via rules. The various images (components of a final composite image) are used in combination with associated definition data to construct the final composite image as applied to a Web page. This teaching is applied to Gramlich’s teachings of fragments and objects.

The examiner respectfully notes that both Gramlich and Halliday deal with processing and combining various (document related) component objects resulting in a final modified document. Both references are also in the same general field of endeavor.

Conclusion

15. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William Bashore whose telephone number is (703) 308-5807. The examiner can normally be reached on Monday through Friday from 11:30 AM to 8:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild, can be reached on (703) 305-9792.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

17. Any response to this action should be mailed to:


Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703-872-9306) (for formal/after-final communications intended for entry)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Fourth Floor (Receptionist).

William L. Bashore
Patent Examiner, AU 2176
April 15, 2004


JOSEPH FEILD
SUPERVISORY PATENT EXAMINER